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IN THE DISTRICT COURT OF THE FOURTH DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,
Plaintiff,

V.

BRYAN C. KOHBERGER,
Defendant.

Case No. CR01-24-31665

STATE'S OBJECTION TO
DEFENDANT'S MOTION TO
SUPPRESS AND MEMORANDUM
IN SUPPORT

RE: SEARCH WARRANT FOR
MR. KOHBERGER'S PERSON

COMES NOW the State of Idaho, by and through the Latah County Prosecuting Attorney, and respectfully submits the following objection to the Defendant's "Motion to Suppress and Memorandum in Support RE: Search Warrant for Mr. Kohberger's Person."¹

The Defendant's instant motion regarding the search warrant for his person in Idaho substantively parallels the Defendant's Motions to Suppress "Pennsylvania Search Warrant for

¹ Defendant's filing refers to a "contemporaneously filed Motion for an Order suppressing all evidence gathered by law enforcement as a result of the search of Mr. Kohberger's person in the Latah County Jail." However, the State is not aware of a separate "contemporaneous" filing, so the State's response is only to the contents of the Defendant's singular "Motion to Suppress and Memorandum in Support."

119 Lamsden Drive, Albrightsville, PA and Statements Made,” for Mr. Kohberger’s vehicle, for Mr. Kohberger’s person in Pennsylvania, and evidence gathered by law enforcement as a result of Defendant’s arrest. To avoid unnecessary repetition, the State incorporates herein the “State’s Objection to Defendant’s Motion to Suppress and Memorandum in Support RE: Pennsylvania Search Warrant for 119 Lamsden Drive, Albrightsville, PA and Statements Made,” which itself further incorporates the State’s responses to the Defendant’s *Franks* Motion and “Motion to Suppress RE: Genetic Information.”

Regarding the Defendant’s represented “FACTS,” the State respectfully refers the Court to the attached Exhibits S-1 and S-2 as opposed to relying on the Defendant’s subjective summary and interpretation that begins at p. 2 of the instant motion. Although that application and search warrant are in the Court’s file, for ease of reference, the State is attaching a copy of the search warrant Affidavit (Exhibit S-1) and a copy of the Idaho Magistrate Search Warrant (Exhibit S-2).

As evidenced by Exhibits S-1 and S-2, following the Defendant’s arrest in Pennsylvania, he was extradited to the State of Idaho (see Exhibit S-1, Page 19 – Bates Number 003966), and a Search Warrant was applied for and obtained from the Latah County Magistrate Court for a search of the Defendant’s person.

VALID SEARCH WARRANTS

Beginning at page 5 of his instant motion, the Defendant asserts that “The Affidavit Submitted in Support of the Application for the Issued Search Warrants Recklessly or Intentionally Omitted Material Facts.” Substantively, this section of the Defendant’s motion merely refers to the Defendant’s separate *Franks* motion and argument. By way of preliminary response, the State notes that Idaho law clearly states that if “a search is conducted pursuant to a

warrant, the burden of proof is on the defendant to show that the search was invalid.” *State v. Wilson*, 130 Idaho 213, 215 (Ct. App. 1997) citing to *State v. Kelly*, 106 Idaho 268 (Ct. App. 1984). Idaho recognizes the United States Supreme Court’s analysis and holding that “great deference is paid to the magistrate’s determination” for probable cause. *Id.* citing to *Illinois v. Gates*, 462 US 213 (1983) and *Spinelli v. United States*, 393 US 410 (1969) and *State v. Josephson*, 123 Idaho 790 (1993).

As demonstrated by Exhibits S-1 and S-2 (Idaho Search Warrant Affidavit and the Idaho Search Warrant), the search of his person was pursuant to a valid Search Warrant issued by a Latah County, Idaho, Magistrate based on substantial probable cause.

As to the balance of Defendant’s submissions, the State respectfully refers the Court to, and incorporates herein, the State’s separate responses to the Defendant’s *Franks* motion and Motion to Suppress RE: IGG (Investigative Genetic Genealogy), and the State’s separate responses to the Defendant’s Motions to Suppress RE: Pen Trap and Trace and AT&T account.

CONCLUSION

Based on the above, the State respectfully request that the Court deny the Defendant’s Motion to Suppress the search warrant for the Defendant’s person.

RESPECTFULLY SUBMITTED this 6th day of December 2024.



William W. Thompson, Jr.
Prosecuting Attorney

CERTIFICATE OF DELIVERY

I hereby certify that true and correct copies of the STATE'S OBJECTION TO DEFENDANT'S MOTION TO SUPPRESS AND MEMORANDUM IN SUPPORT RE: SEARCH WARRANT FOR MR. KOHBERGER'S PERSON were served on the following in the manner indicated below:

Anne Taylor
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- Mailed
- E-filed & Served / E-mailed
- Faxed
- Hand Delivered

Dated this 6th day of December 2024.


